

REMARKS

Claims 1-3, 5-7, and 32 are pending.

At the outset, Applicants would like to thank the Examiner for graciously extending Applicants' representative an interview to discuss the rejections in the Final Office Action. During the interview, Applicants emphasized that there is no objective basis that would have led one of ordinary skill in the art to combine the Sakita, AAPA, and Matsumoto references in the manner indicated in the Final Office Action to form the claimed invention.

Specifically, the Sakita patent discloses applying different waveforms in the initialization periods of two sub-fields of a frame. However, the Sakita patent *does not provide any indication* of what those waveforms are. AAPA happens to show two of the hundreds of waveforms that are known. (See Figures 3 and 5 of the application drawings). However, Sakita, AAPA, and Matsumoto do not provide any objective basis that would have led one of ordinary skill in the art to apply the specific waveforms in Figures 3 and 5 in the set-up intervals of an initial and at least one other sub-field in a same frame as recited in the claims. On the contrary, the specification discloses that it was always known to apply the waveforms in Figures 3 and 5 separately and alone to all the sub-fields of a frame, never in combination as contemplated by the invention.

Notwithstanding this lack of teaching, the Examiner maintained that Sakita's disclosure of combining different waveforms would have led to the combination of the specific waveforms of the claimed invention. Applicants submit that this is an untenable position. Under the

Examiner's logic, the Sakita reference may be relied on to combine all combinations of the hundreds of waveforms that exist. Applicants submit that this is an improper position.

In fact, when asked during the interview why the combination of Figures 3 and 5 would be obvious, but the combination of two other waveforms would not be obvious, the Examiner had no answer. He just said that combining Figures 3 and 5 in view of Sakita would have been obvious.

The Examiner has put forth no **objective basis** that would have led one of ordinary skill in the art to form the claimed invention. In effect, the Examiner has therefore applied a **subjective** test of obviousness, unsupported by any objective indication in the art. Such a subjective test of obviousness cannot possibly be proper, even under the new obviousness standard set forth by the Supreme Court in the *KSR v. Teleflex* case.

Under this standard, the test for obviousness appears to have been somewhat relaxed. But, the test was not transformed into a subjective test. The test is still objective and the Examiner has not put forth any objective basis to combine the **specific** waveforms of Figures 3 and 5 in the manner contemplated by the claimed invention.

Without any objective basis for combining the waveforms of Figures 3 and 5, aside from Sakita's broad disclosure that different waveforms may be applied to sub-fields of a same frame, it is respectfully submitted that the combination used to form the § 103 rejection is based solely on hindsight, which is impermissible for purposes of forming a proper § 103 rejection. See MPEP § 2143 *et seq.*

Notwithstanding these issues, claim 1 has been amended to cover the embodiment shown, for example, in Figure 10 of the application drawings. As amended, claim 1 recites that “the first waveform is different from the second waveform, such that the sustain electrode is electrically floated in the first waveform during the first time interval that is a portion of the set-up interval, and the second waveform applied to the sustain electrode has a predetermined non-zero slope different from a non-zero slope of the first electrically floated waveform.” In addition claim 1 recites that the second waveform is applied during the second time interval that is a portion of the set-up interval of all or fewer than all of the remaining sub-fields, and that “the non-zero slope of the first electrically floated waveform is greater than the predetermined non-zero slope of the second waveform, wherein the first waveform has a maximum peak voltage greater than a maximum peak voltage of the second waveform.” (See, for example, pages 31-34 of the specification with reference to Figure 10 for support).

During the interview, the Examiner agreed that the cited references as applied in the Final Office Action do not teach or suggest the features found in the embodiment of Figure 10, and which now appear in amended claim 10.

In view of the foregoing amendments and remarks, it is respectfully submitted that the application is in condition for allowance. Withdrawal of the rejections in the Final Office Action and furtherance of the application to allowance is respectfully requested.

To the extent necessary, a petition for an extension of time under 37 CFR § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this,

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concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,
KED & ASSOCIATES, LLP

A handwritten signature in black ink, appearing to read 'Daniel Y.J. Kim', with a long horizontal flourish extending to the right.

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